

PEPPER HEWITT,)	AGBCA No. 99-110-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Pepper Hewitt, <u>pro se</u>)	
355 Conquina Avenue)	
Ormond Beach, Florida 32174)	
)	
Representing the Government:)	
)	
Mark Simpson)	
Office of the General Counsel)	
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Atlanta, Georgia 30309-2409)	

DECISION OF THE BOARD OF CONTRACT APPEALS

December 18, 1998

OPINION BY ADMINISTRATIVE JUDGE EDWARD HOURY

This appeal arose under Emergency Equipment Rental Agreement No. FLA-B98-0044 between the Forest Service, U. S. Department of Agriculture, and Pepper Hewitt of Ormond Beach, Florida (Appellant). The lease was for the use of a Jeep Grand Cherokee, 4x4 vehicle to haul supplies to the Bunnell fire camp in the National Forests in Florida.

On July 22, 1998, Appellant filed a Standard Form 95, Claim for Damage, Injury, or Death, with the Contracting Officer (CO) claiming damages, in the amount of \$1,535.67, to the vehicle, while under lease to the Government. The CO denied Appellant's claim by decision dated August 21, 1998, concluding that the damages were the result of normal wear and tear for which the Government was not liable under the agreement. By letter dated November 2, 1998, Appellant filed a timely appeal with the Board.

By letter dated December 4, 1998, Government counsel advised as follows:

This letter is to inform you that the Forest Service has advised me that this claim has been paid in full. The claimant was mailed check No. 1225 in the amount of

\$1,535.67 on November 24, 1998. As the claim has been paid in full, the Forest Service requests that this case be dismissed with prejudice. I have discussed this case with Ms. Pepper Hewitt, she has received the check, and she is in agreement with this conclusion of the case.

DECISION

In accordance with the request of the parties, the appeal is dismissed.

EDWARD HOURY
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
December 18, 1998